

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

NOELLE LLAMAS and KEN
KLIPPENSTEIN,

Plaintiffs,

v.

Case No: 6:21-cv-1169-RBD-LRH

U.S. CUSTOMS AND BORDER
PROTECTION, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT,
U.S. DEPARTMENT OF HOMELAND
SECURITY, FEDERAL BUREAU OF
INVESTIGATION, U.S. MARSHALS
SERVICE and U.S. DEPARTMENT OF
JUSTICE,

Defendants.

**REPORT AND RECOMMENDATION
TO THE UNITED STATES DISTRICT COURT:**

This matter comes before the undersigned after a preliminary pretrial conference held on referral by the presiding District Judge. Doc. Nos. 23, 26. Upon consideration of the representations of the parties, as well as their Case Management Report (Doc. No. 22), it is respectfully **RECOMMENDED** that the Court enter the following schedule in this case:

Deadline for moving to join a party or amend the pleadings:	April 30, 2022
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Deadline for filing summary judgment motions	August 31, 2022
Deadline for responses to summary judgment motions	September 30, 2022
Deadline for reply briefs to summary judgment motions	October 14, 2022

At the pretrial conference, the parties agreed that, due to the nature of this case,¹ they withdraw their request for a settlement conference before a United States Magistrate Judge. *See* Doc. No. 22, at 2. The parties also agreed that, given the nature of the case, mediation will not be necessary. Based on these representations, I recommend the Court decline to order the parties to attend mediation at this time. *See, e.g., Llamas et al. v. U.S. Dep't of Justice*, No. 6:20-cv-2221-Orl-CEM-LRH, Doc. No. 8 (M.D. Fla. Jan. 4, 2021) (entering briefing scheduling in FOIA case without requirement for mediation); *Llamas et al., v. U.S. Immigration & Customs Enforcement*, No. 6:19-cv-1916-Orl-WWB-EJK, Doc. No. 19 (M.D. Fla. July 27, 2020) (same).

As to motions for summary judgment, the parties shall submit with any such motions any exhibits and or records they wish the Court to consider in resolving the motions. The parties may submit the exhibits or records by joint notice or as attachments to their individual motions. The parties also agreed that this case would be resolved on the summary judgment papers, and therefore did not request

¹ This case arises under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA").

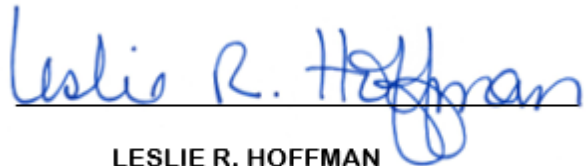
a final pretrial conference or trial date. Based on these representations, I further recommend the Court decline to schedule this case for a trial term, or final pretrial conference. See *Miscavige v. I.R.S.*, 2 F.3d 366, 369 (11th Cir. 1993) (“Generally, FOIA cases should be handled on motions for summary judgment.”).

NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation’s factual findings and legal conclusions. Failure to serve written objections waives that party’s right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation.

11th Cir. R. 3-1.

Recommended in Orlando, Florida on October 29, 2021.



LESLIE R. HOFFMAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record